

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

VINCENT VENTIMIGLIA,)
)
 Petitioner,)
)
 v.) No. 4:05CV1454(AGF)
)
 ST. LOUIS COUNTY,)
)
 Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court upon petitioner's "Rule 60(B)(6) Petition" [Doc. #1].

On April 16, 2003, this Court summarily dismissed petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 for lack of subject matter jurisdiction. Ventimiglia v. St. Louis County, No. 4:03CV402(AGF) (E.D. Mo.). Petitioner filed a timely notice of appeal and the Eighth Circuit Court of Appeals denied him a certificate of appealability and dismissed his appeal. See Ventimiglia v. St. Louis County, No. 03-2737 (8th Cir., Sept. 2, 2003).

Upon review of the instant petition and the Court's file concerning petitioner's § 2254 action, Ventimiglia v. St. Louis County, No. 4:03CV402(AGF), the Court finds that petitioner's request for relief pursuant to Rule 60(b)(6) of the Federal Rules of Civil Procedure should be denied. Additionally, to the extent that petitioner is seeking habeas relief pursuant to 28 U.S.C. § 2254 in this instant action, the Court lacks jurisdiction to grant

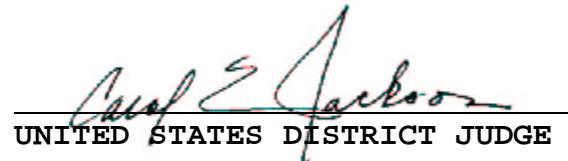
the relief sought.

Accordingly,

IT IS HEREBY ORDERED that petitioner's "Rule 60(B)(6) Petition" [Doc. #1] is **DENIED**, with prejudice.

An appropriate order shall accompany this memorandum and order.

Dated this 7th day of October, 2005.



UNITED STATES DISTRICT JUDGE